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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/686,370

10/14/2003

Katsuyasu Ito

CTW-025

6708

959 7590 02/10/2005

LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

EXAMINER

GRANT, ROBERT J

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CA

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/686,370 | Applicant(s) ITO, KATSUYASU | |
| | Examiner Robert Grant | Art Unit 2838 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-14-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 4-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10-14-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. (US 6,346,793) in view of Carrier (US 5,107,075).

As for Claim 1, Shibata discloses a charger comprising: a housing (figure 1, element 1) including on an outside surface thereof a connecting portion (element 5) to which a battery pack is attached by a slide of the battery pack in a predetermined direction on the connecting portion (Column 5, lines 56-60); a plurality of terminals provided in the connecting portion (elements 11, 12, and 13) for establishing electrical connection with the battery pack upon attachment of the battery pack to the connecting portion (Column 1, lines 61-66); urging means (figure 4, element 18); and protective means provided on the connecting portion (figure 4 element 14), the protective means is urged by the urging means to a covering position in which the protective means covers the terminals (column 6, lines 22-24), and when the battery pack is attached to the connecting portion, the protective means is adapted so as to be abutted and moved by the battery pack to a withdrawn position in which the terminals are exposed (column 6, lines 34-39). Shibata does not expressly disclose the protective means capable of

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linear movement in the predetermined direction wherein under normal operating conditions. Carrier a protective means capable of linear movement in the predetermined direction wherein under normal operating conditions (Figure1). It would have been obvious to a person having ordinary skill in the art at the time of this invention to replace the pivotal terminal cover of Shibata with the linear terminal cover of Carrier in order to avoid the complications of a cover that recesses inside of the charger body.

As for Claim 2, which is dependent upon claim 1, Shibata discloses a charger comprising a terminal block on which the terminals are erected and oriented in the predetermined direction (column 5, lines 50-55), wherein the protective means is a slide cover including a top plate and a pair of side plates that extend orthogonally downwards from side edges of the top plate and are oriented in the predetermined direction (column 6, lines 1-3), the top plate being located directly over the terminals and the side plates flanking the terminals when no battery pack is attached to the charger (column 7, lines 35-42).

As for claim 3, which is dependent upon claim 2, Shibata discloses A charger wherein the urging means includes at least one coil spring interposed between the slide cover and a portion of the housing below the slide cover for urging the slide cover in the predetermined direction to the covering position (figure 9, element 28).

As for claim 10, which is dependent upon claim 1, Shibata discloses a charger further comprising guide means provided in the connecting portion for facilitating a

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slide of the battery pack to bring the pack into attachment to the connecting portion (element 6).

As for claim 11, which is dependent upon claim 10, Shibata discloses a charger wherein the guide means includes a pair of guide rails extending in parallel with the predetermined direction, wherein the guide rails are adapted to receive the battery pack therebetween during attachment of the battery pack to the charger (Column 5, lines 26-31).

As for claim 12, which is dependent upon claim 11, Shibata discloses a charger wherein the terminals (Figure 1, elements 11,12,and 13) are located between the guide rails (element 6) (as seen in figure 1).

As for Claim 13, Shibata discloses a charger comprising: a connecting portion on which a battery pack is slid into attachment to the charger (Column5, lines 56-60); a plurality of terminals provided on the connecting portion for establishing electrical connection with the battery pack upon attachment of the battery pack to the connecting portion (column 1, lines 63-66); and a slide cover slidably attached to the connecting portion (figure 1, element 14), the slide cover being urged to a first position, in which the slide cover snugly covers the terminals (Column 6, lines 22-24), but being abutted by the battery pack to a second position, in which the slide cover no longer covers the terminals, during the attachment of the battery pack to the connecting portion (Column 6, lines 34-39). Shibata does not expressly disclose wherein the slide cover is linearly slid. Currier discloses a slide cover that is linearly slid (figure 1). It would have been

obvious to a person having ordinary skill in the art at the time of this invention to replace the pivotal terminal cover of Shibata with the linear terminal cover of Currier in order to avoid the complications of a cover that recesses inside of the charger body.

Allowable Subject Matter

3. Claims 4-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 10, and 13 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 5 of U.S. Patent No. 6,346,793 in view of 5,107,075.

As to Claim 1, Shibata discloses in claim 3 a charger, housing, plurality of terminals, urging means, and protective means. Shibata does not disclose the protective means having linear movement. Currier discloses a protective means that has linear movement. It would have been obvious to a person having ordinary skill in the art at the time of this invention to replace the pivotal terminal cover of Shibata with the linear terminal cover of Currier in order to avoid the complications of a cover that recesses inside of the charger body.

As to Claim 10, Shibata discloses in claim 5 a means for facilitating a slide of the battery pack to bring the pack into attachment with the connecting portion.

As to Claim 13, Shibata discloses in claim 3 a charger, battery pack being slid into attachment, a plurality of terminals, a cover covering the terminals, and the battery pack abutting the cover to move the cover. Shibata does not disclose the cover being linearly slid. Currier discloses a protective means that is linearly slid. It would have been obvious to a person having ordinary skill in the art at the time of this invention to replace the pivotal terminal cover of Shibata with the linear terminal cover of Currier in order to avoid the complications of a cover that recesses inside of the charger body.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Grant whose telephone number is 571-272-2727. The examiner can normally be reached on M-F 8:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RG

M. Sherry 2/7/05

MICHAEL SHERRY
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